

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR.JUSTICE J..B.KOSHY
&**

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 4919 of 2007(I)

PETITIONER:

**THANKAPPAN,
KULAMBATTUKODE, KOTTAPADI KARA,
KOTHAMANGALAM VILLAGE.**

**BY ADV. SRI.S.MUHAMMED HANEEFF
SRI.T.M.JAFARKHAN**

RESPONDENTS:

- 1. SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION, PATHANAPURAM.**
- 2. HEADLOAD WORKERS UNION (C.I.T.U.),
C.T.OFFICE, NIRATHUPARA (VIA), KOODAL,
REP. BY ITS CONVENER PRABHAKARAN.**
- 3. HEADLOAD WORKERS UNION, (INTUC),
NIRATHUPARA (VIA), KOODAL, REP. BY
ITS CONVENER SUNNY.**
- 4. HEADLOAD WORKERS UNION, (AITUC),
NIRATHUPARA (VIA), KOODAL, REP. BY ITS
CONVENER RAHIM.**
- 5. HEADLOAD WORKERS MAZDOOR SANGH, (BMS),
NIRATHUPARA (VIA), KOODAL, REP. BY
ITS CONVENER RAGHU.**
- 6. GOPALAN NAIR,
KANNANKULATH, GOURI VILASOM, MANGODE P.O.**
- 7. ABDUL NAZAR, S/O. ABDULLAKUNJU,
SUNIL VIHAR, CHAKKITTAMUKKU, KALANJOOR P.O.**
- 8. DISTRICT LABOUR OFFICER
KOLLAM**
- 9. DISTRICT LABOUR OFFICER
PATHANAMTHITTA**

BY GOVT.PLEADER SRI. P.A.SALIM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

J.B.KOSHY & T.R.RAMACHANDRAN NAIR ,JJ

W.P(C) No. 4919 of 2007

Dated this the 21st day of February 2007

JUDGMENT

Koshy.J

This is a petition for police protection for cutting and removal of rubber trees which was purchased by the petitioner. It is not a scheme covered area. For cutting the rubber trees the petitioner can employ any person of his own choice as Head Load Workers Act are not applicable to such workers. If there is a settlement with regard to the loading and unloading of the rubber trees the petitioner can carry out the loading and unloading by the registered workers under the Head load Workers Act in the locality where the rubber trees are lying, in accordance with settlement. Unnecessary delay will cause damage to the rubber trees. Therefore, if the registered workers, in the area refuse to do loading and unloading the rubber trees at the agreed rate, it is open to the petitioner to employ the workers of his own choice. This writ petition is disposed of accordingly

J.B.KOSHY ,JUDGE

T.R.RAMACHANDRAN NAIR ,JUDGE